

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
TERRE HAUTE DIVISION**

ROBERT DAVID NEAL,)	
)	
Plaintiff,)	
vs.)	2:13-cv-188-JMS-MJD
)	
UNITED STATES OF AMERICA,)	
)	
Defendant.)	

Entry Concerning Selected Matters

The Court, having considered the above action and the matters which are pending, makes the following rulings:

1. A copy of the notice filed by the plaintiff on August 30, 2013, shall be included with the plaintiff's copy of this Entry.

2. The notice referred to above states that the plaintiff is "withdrawing this proceeding without prejudice, reserving his right to refile at a later date." Insofar as the plaintiff's notice purports to dismiss the action subject to "refil[ing] the action at a later date," this is not a contingency which the court can endorse or guarantee. Principally, but not exclusively, the mere passage of time may prevent the plaintiff from refiling the suit in the future, even if dismissed without prejudice at present. Additionally, certain claims have already been dismissed as part of the screening required by 28 U.S.C. § 1915A(b), and those claims could not now be dismissed without prejudice.

3. Based on the foregoing, the action is not dismissed based on the plaintiff's notice filed on August 30, 2013. He shall have through September 18, 2013, in which to file a notice of

dismissal as to any claim not already dismissed in the Entry of July 9, 2013, and the Entry of August 5, 2013, and which recites that he is dismissing the action without prejudice.

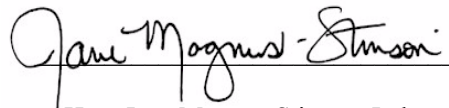
4. The plaintiff is not compelled to file a notice of dismissal as described in paragraph 3 of this Entry, but may do so. A deadline is established so that the action proceeds in a structured fashion, regardless of outcome.

5. The plaintiff remains responsible for payment of the filing fee.

6. If the plaintiff is not going to proceed as contemplated in paragraph 3 of this Entry, he shall proceed as directed in the Entry of August 5, 2013 part III C.

IT IS SO ORDERED.

Date: 09/05/2013


Hon. Jane Magnus-Stinson, Judge
United States District Court
Southern District of Indiana

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